

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ALISHA W. WILKES,

Plaintiff,

v.

GMAC MORTGAGE, LLC, et al.,

Defendants.

Civil No. 1:10-cv-01160 (CMH-TRJ)

**DEFENDANT GMAC MORTGAGE, LLC'S FOURTH SUPPLEMENTAL
RULE 26(a)(1) DISCLOSURES**

Defendant GMAC Mortgage, LLC ("GMAC"), by counsel, submits the following Fourth Supplemental Rule 26(a)(1) Initial Disclosures.

(A) Provide the name, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

1. The Plaintiff is believed to possess information concerning the allegations made in their Complaint and Defendant's Answer.

Alisha Wilkes

Gainesville, VA 20155
Phone Unknown

2. GMAC Mortgage, LLC has information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer. Employees may also have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer:

GMAC Mortgage, LLC, c/o
John C. Lynch (VSB No. 39267)
Ethan G. Ostroff (VSB No. 71610)
Elizabeth S. Flowers (VSB No. 78487)
Counsel for GMAC Mortgage, LLC
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504

SECOND SUPPLEMENTAL RESPONSE:

GMAC Mortgage, LLC's corporate representative, Peter Knapp, Senior Litigation Analyst, employed by GMAC Mortgage, LLC, has knowledge concerning the allegations at issue in the Complaint and GMAC Mortgage, LLC's defenses.

Peter Knapp
GMAC Mortgage, LLC,
2711 North Haskell Ave
Suite 900
Dallas TX 75204
c/o
John C. Lynch (VSB No. 39267)
Ethan G. Ostroff (VSB No. 71610)
Elizabeth S. Flowers (VSB No. 78487)
Counsel for GMAC Mortgage, LLC
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504

Allison Higgins, an employees of GMAC Mortgage, LLC, has knowledge concerning the ACDVs received from credit reporting agencies and the ACDV responses regarding Plaintiff.

Allison Higgins
GMAC Mortgage, LLC
3451 Hammond Ave
Waterloo, IA 50702
c/o
John C. Lynch (VSB No. 39267)

Ethan G. Ostroff (VSB No. 71610)
Elizabeth S. Flowers (VSB No. 78487)
Counsel for GMAC Mortgage, LLC
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504

Lori Aguiar, an employee of GMAC Mortgage, LLC, has knowledge concerning the ACDVs received from credit reporting agencies and the ACDV responses regarding Plaintiff.

Lori Aguiar
GMAC Mortgage, LLC
3451 Hammond Ave
Waterloo, IA 50702
c/o
John C. Lynch (VSB No. 39267)
Ethan G. Ostroff (VSB No. 71610)
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Counsel for GMAC Mortgage, LLC
TROUTMAN SANDERS LLP
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Virginia Beach, VA 23462
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Facsimile: (757) 687-1504

Amy Fleitas, Manager of the servicing risk and default support teams, and an employee of GMAC Mortgage, LLC, has knowledge concerning GMAC's policies and procedures regarding allegations of identity theft by a consumer, the handling of Plaintiff's claim of identity theft, and the AUD sent to the credit reporting agencies by GMAC.

Amy Fleitas
GMAC Mortgage, LLC
3451 Hammond Ave
Waterloo, IA 50702
c/o
John C. Lynch (VSB No. 39267)
Ethan G. Ostroff (VSB No. 71610)
Elizabeth S. Flowers (VSB No. 78487)
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Virginia Beach, VA 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504

3. Western Sierra Acceptance Corp. may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Western Sierra Acceptance Corp.
1547 Palo Verdes #264
Walnut Creek, CA 94597
(888) 829-1153

4. DCFS USA, LLC may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

DCFS USA, LLC
27777 Inkster Rd.
Farmington, MI 48334
Phone Unknown

5. Credit Infonet, Inc. may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Credit Infonet, Inc.
4540 Honeywell Court
Dayton, OH 45424
(866) 218-1003

6. Credit One Bank, NA may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Credit One Bank, NA
P.O. Box 98873
Las Vegas, NV 89193-8873
1-877-825-3242

7. FAMS/One Technologies may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

FAMS/One Technologies

Address and Phone number unknown

8. National Future Mortgage, Inc. may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

National Future Mortgage, Inc.
2 Eastwick Dr. Suite 300
Gibbsboro, NJ 08026
(800) 291-7900

9. America Funding, Inc. may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

America Funding, Inc.
5930 Cornerstone Court West, Suite 350
San Diego, CA 92121
(800) 618-3006

10. Nationstar Mortgage, LLC may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Nationstar Mortgage, LLC
350 Highland Dr.
Lewisville, TX
(888) 480-2432

11. Experian Information Solutions, Inc may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Experian Information Solutions, Inc.
P.O. Box 2002
Allen, TX 75013
(888) 397-3742

12. Trans Union, LLC may have information regarding the allegations made in Plaintiff's Complaint and in GMAC's Answer.

Trans Union, LLC
1561 E. Orangethorpe Ave.
Fullerton, CA 92831

(714) 738-3800

13. Scott A. Weible may have information regarding GMAC's defenses.

Scott A. Weible
Scott Alan Weible, P.L.L.C.
The Haymarket Professional Building
14540 John Marshall Highway, Suite 201
Gainesville, VA 20155-1693
Email: scott@weible.com

14. The persons, entities or creditors who extended Plaintiff credit have knowledge regarding Plaintiff's applications, Plaintiff's credit history, the reasons Plaintiff was granted credit and any communications or correspondence between them and Plaintiff. The names, addresses and telephone numbers, if known, of the persons, entities or creditors who have extended credit to the Plaintiff are contained, at least in part, in the Trans Union documents produced in its initial disclosures.

15. The persons and entities with whom Plaintiff has applied for credit have knowledge regarding Plaintiff's applications, Plaintiff's credit history, the reasons Plaintiff was granted or denied credit, and any communications or correspondence between them and Plaintiff. The names, addresses and telephone numbers, if known, of the persons, entities or creditors with whom Plaintiff has applied for credit are contained, at least in part, in the Trans Union documents produced in its initial disclosures.

16. The persons and entities who have reviewed Plaintiff's credit reports have knowledge regarding their communications and correspondence with Plaintiff and the reasons that they reviewed Plaintiff's credit reports and the contents of Plaintiff's credit reports. The names, addresses and telephone numbers, if known, of the persons, entities or creditors who have reviewed Plaintiff's credit reports are contained, at least in part, in the Trans Union documents produced in its initial disclosures.

FOURTH SUPPLEMENTAL RESPONSE:

17. Matthew Kingery may have information regarding GMAC's defenses.

Matthew Kingery
Dinsmore & Shohl LLP
Huntington Square, 900 Lee Street, Suite 600
Charleston, West Virginia 25301
(304) 357-9936
matthew.kingery@dinslaw.com

18. Bryan Garcia may have information regarding GMAC's defenses.

Bryan Garcia
Exit Heritage Realty
15030 Washington Street
Haymarket, VA, 20169
(703) 753-9100
bryangarcia@exitheritage.com

(B) A copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody or control that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

GMAC identifies the following category of documents that are in its possession, custody or control: the loan file, account notes, correspondence and payment history.

In addition, GMAC may use any document produced by plaintiff, other defendants, or obtained from third-parties through discovery.

GMAC reserves the right to supplement as applicable documents are made known to defense counsel. GMAC reserves the right to object to the production of any documents described above on any basis permitted by the *Federal Rules of Civil Procedure*.

SUPPLEMENTAL RESPONSE:

GMAC identifies the following additional category of documents that are in its possession, custody or control: ACDVs received from consumer reporting agencies regarding

Plaintiff, ACDV responses sent to consumer reporting agencies regarding Plaintiff, AUD sent to all credit bureaus regarding Plaintiff, GMAC's policies and procedures regarding the Fair Credit Reporting Act, the credit tapes from December 2008, December 2009 and May 2010, correspondence from counsel representing Plaintiff (Scott Weible) dated October 22, 2008, and correspondence from GMAC to Mr. Weible dated November 7, 2008 and November 19, 2008.

GMAC also identifies the documents produced by co-defendant Trans Union in this case to all parties and marked as TU 1 – TU 445.

SUPPLEMENTAL RESPONSE: GMAC incorporates by reference its second supplemental answers to Plaintiff's First Set of Interrogatories and second supplemental responses to Plaintiff's First Set of Requests for Documents and identifies all of the documents it has identified and/or produced in this case to date (GMAC/AW 1 - 1771).

(C) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or a description by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

GMAC is not claiming any damages against Plaintiff at this time.

(D) Attach for inspection and copying as required under Fed. R. Civ. P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments to satisfy the judgment.

No such policy exists.

Dated this 16th of May, 2011.

GMAC MORTGAGE, LLC

By: 
Of Counsel

John C. Lynch (VSB No. 39267)
Ethan G. Ostroff (VSB No. 71610)
Elizabeth S. Flowers (VSB No. 78487)
Counsel for GMAC Mortgage, LLC
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E-mail: liz.flowers@troutmansanders.com

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2011, I sent a true and correct copy of the foregoing Fourth Supplemental Rule 26(a)(1) Disclosures, via email to the following counsel of record:

Counsel for Plaintiff

John C. Bazaz, Esq.
Surovell Isaacs Petersen & Levy PLC
4010 University Drive, 2nd Floor
Fairfax, Virginia 22030
E-mail: jbazaz@siplfirm.com

Leonard Anthony Bennett
Consumer Litigation Assoc PC
12515 Warwick Blvd., Suite 1000
Newport News, Virginia 23606
E-mail: lenbennett@cox.net

Matthew James Erausquin
Consumer Litigation Assoc PC
1800 Diagonal Road, Suite 600
Alexandria, Virginia 22314
E-mail: matt@clalegal.com

Counsel for America Funding, Inc.

Brian Nelson Casey, Esq.
Taylor & Walker PC
555 Main St , PO Box 3490
Norfolk, VA 23514-3490

(757) 625-7300

Email: bcasey@taylorwalkerlaw.com



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